



Express Mail Number: EL573464079US  
Date of Mailing: July 10, 2001

Petitioner's Case No. 5050/296

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Public Use Proceeding	)	
For the Application of:	)	
Ted Christopher	)	
	)	Examiner: F. Jaworski
Serial No.: 08/746,360	)	
	)	Group Art Unit: 3305
Filed: November 8, 1996	)	
	)	
For: Finite Amplitude Distortion-	)	
Based Inhomogeneous	)	
Pulse Echo Ultrasonic	)	
Imaging	)	

**MOTION FOR LEAVE TO FILE INSTANTER**  
**PETITIONER'S REPLY BRIEF**

Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Petitioner hereby moves for leave to file instanter Petitioner's Reply Brief to address a number of issues for which Applicant neglected to mention substantial evidence that supports Petitioner. Although the Public Use Proceeding Schedule did not set a date for filing a reply brief, there is no provision in the rules governing the public use proceeding that explicitly denies Petitioner the right to file this reply brief. Reply briefs are filed as a matter of course in interference proceedings (see 37 C.F.R. § 1.656), the rules for which are used for purposes of public use proceedings. As a result, Petitioner submits that fairness requires that Petitioner's Reply Brief be entered in the file and



considered by the Examiner.

Dated: July 10, 2001

Respectfully submitted,

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Joseph F. Hetz  
Reg. No. 41,070  
Attorney for Petitioner

BRINKS HOFER  
GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, IL 60610  
(312) 321-4200




**PROOF OF SERVICE**

In accordance with 37 C.F.R. § 1.248, Petitioner hereby certifies that a duplicate copy of this paper has been served on Applicant's attorney on July 10, 2001 via first class mail at the following address:

John S. Sensny, Esq.  
Scully, Scott, Murphy & Presser  
400 Garden City Plaza  
Garden City, New York 11530-0299

Dated: July 10, 2001

Respectfully submitted,

  
\_\_\_\_\_  
Joseph F. Hetz  
Reg. No. 41,070  
Attorney for Petitioner

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JUL 10 2001		TRANSMITTAL LETTER		Petitioner's Case No. 5050/296
Serial No. 08/746,360	Filing Date: November 8, 1996	Examiner F. Jaworski	Group Art Unit 3305	
Inventor(s) Ted Christopher				
Title of Invention Finite Amplitude Distortion-Based Inhomogeneous Pulse Echo Ultrasonic Imaging				

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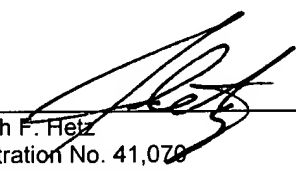
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To the Commissioner for Patents:

- ☒ Transmitted herewith is a "Petitioner's Reply Brief," "Motion to Leave to File Instant Petitioner's Reply Brief," and a Postcard Receipt.
- ☐ Small entity status of this application under 37 CFR § 1.27 has been established by verified statement previously submitted.
- ☐ A verified statement to establish small entity status under 37 CFR §§ 1.9 and 1.27 is enclosed.
- ☐ Petition for a \_\_\_\_\_ month extension of time.
- ☒ No additional fee is required.
- ☐ Please charge my Deposit Account No. 23-1925 in the amount of \$: \_\_\_\_\_. A duplicate copy of this sheet is enclosed.
- ☒ The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 23-1925. Further, I hereby petition under 37 CFR § 1.136 for any extension of time required to ensure that this paper is timely filed. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

July 10, 2001  
Date

  
\_\_\_\_\_  
Joseph F. Hetz  
Registration No. 41,070  
Attorney for Petitioner

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